

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 23-42 are currently pending, with claims 23, 29, 33, and 37 being independent. The present amendment cancels claims 1-3, 5-7, 9-16, 18, and 20-22 without prejudice or disclaimer, and adds new claims 23-42. Applicant respectfully submits that support for new claims 23-42 is self-evident from the original disclosure, including the specification at page 5, lines 7-10, and at Figures 2 and 3. Thus, no new subject matter is introduced by the present amendment.

In the Office Action, claims 1-3, 7, 9-11, 13-16, 18, 20 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Farhan et al. (U.S. Patent No. 6,373,611; hereinafter "Farhan") in view of Dail (U.S. Patent No. 5,878,325) in further view of Smith, III (U.S. Patent No. 4,112,488; hereinafter "Smith"). Claims 5 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Farhan in view of Dail in further view of Sayeed et al. (U.S. Patent No. 5,828,677; hereinafter "Sayeed"). Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Farhan in view of Dail in further view of Johnson et al. (U.S. Patent No. 3,995,144; hereinafter "Johnson") and Petroff (U.S. Patent No. 5,198,989). Claim 22 was rejected under 35 U.S.C. § 103(a) as unpatentable over Farhan in view of Dail in further view of Smith and further in view of Sayeed.

Claims 1-3, 5-7, 9-16, 18, and 20-22 are canceled by the foregoing amendment and, thus, the rejections of the same have been rendered moot. Further, Applicant respectfully submits that the art of record does not anticipate or render obvious new claims 23-42.

For example, new claim 23 is drawn to a hybrid fiber/coax network that includes a transmitter in an optical distribution node having:

...a status monitoring unit configured to generate status data representing an operational status of the optical distribution node,

a multiplexer configured to convert the baseband digital signal into a serial data stream format, and configured to multiplex the baseband digital signal and the status data to create a combined digital signal.

Referring to the non-limiting example of a transmitter shown in Applicant's Figure 2, a status monitor 206 provides status data to a MUX 210, which multiplexes the status data with a baseband digital signal received from an A/D converter 204. *See* Applicant's specification at page 5, lines 7-10. New claim 23 also recites a head end having a receiver that includes a demultiplexer and "a node status monitoring unit configured to receive the status data from the demultiplexer." Referring to the non-limiting example of a receiver illustrated in Applicant's Figure 3, a DMUX 310 demultiplexes a combined digital signal into the baseband digital signal and the status data, which is transmitted to a Status Monitor Data unit 314.

The art of record does not anticipate or render obvious new claim 23. For example, no combination of Farhan, Dail, Smith, Sayed, Johnson, and Petroff teaches or even suggests each and every feature of new claim 23, which recites the above-described features associated with generating status data in an optical distribution node, multiplexing the status data with a baseband digital signal, demultiplexing the status data from the baseband digital signal in a head end, and receiving the status data in a node status monitoring unit in the head end.

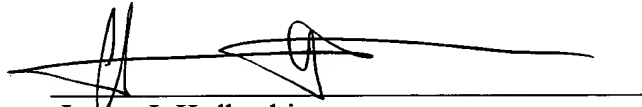
Therefore, for at least this reason, new claim 23 and dependent claims 24-28 patentably define over the art of record. In addition, independent claims 29, 33, and 37 recite features substantially similar to those of new claim 23 discussed above. Thus, claims 29, 33, and 37, and claims depending from these independent claims, are patentable over the art of record for at least the reason discussed above.

Application No. 09/273,197
Reply to Office Action of April 19, 2004

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'James J. Kulbaski', is written over a horizontal line.

James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Chien H. Yuan
Registration No. 48,056

JJK/CHY:pch
I:\ATTY\CHY\235144US\235144 AM RCE 17FEB05.DOC